

**CONFIDENTIAL**

Approved For Release 2001/08/27 : CIA-RDP79-00498A000100030012-4

OGC 76-2174  
4-28-76

**OGC HAS REVIEWED.**

MEMORANDUM FOR: Deputy Director for Administration

FROM : Thomas B. Yale  
Director of Finance

SUBJECT : Waiver of Provision of [REDACTED] Travel on  
American Airlines for Employees [REDACTED]  
[REDACTED] Prior to June 1975

25X1A  
25X1A

25X1A

25X1A REFERENCE : Memo for DD/A from D/OEL dtd 26 Mar 76, subj:  
Exception to [REDACTED]

25X1A 1. Action Requested: Your approval, under provision of  
[REDACTED], of the referent request for exception to [REDACTED]

25X1A

25X1A 2. Basic Data: The exception requested relates to an un-  
determined number of employees [REDACTED] who utilized  
25X1A foreign air carriers, for reasons of personal economy and con-  
25X1A venience, for travel to Rest and Rehabilitation locations other  
than [REDACTED] the officially designated R and R point, prior to  
June 1975. Through misinterpretation of Headquarters advice  
that foreign airlines could be used for R and R travel to [REDACTED] 25X1A  
as no American airline served the direct, usually traveled route,  
25X1A [REDACTED] allowed the use of foreign airlines to alternate  
R and R destinations over routes that were served in whole or in  
part by American carriers. Travelers were reimbursed for such  
25X1A travel in an amount not exceeding the cost of the round trip air  
fare between [REDACTED] Agency auditors, noting that  
this use of foreign air was contrary to [REDACTED] recommended 25X1A  
that the Station initiate action to collect erroneous reimburse-  
ments resulting from this cause or seek blanket waiver of the  
provisions of [REDACTED] for such travel performed prior to June 25X1A  
1975. A Station directive issued in June 1975 has subsequently  
corrected this misuse of foreign airlines. Determination of  
the number of travelers and exact amounts reimbursed in error  
would require extensive research of Station vouchers at Head-  
quarters and has been deferred pending the outcome of the request

ATTACHMENT

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EX-101 IMPDET CL BY 216083

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SUBJECT: Waiver of Provision of [REDACTED] Travel on  
American Airlines for Employees [REDACTED]  
[REDACTED] Prior to June 1975

for waiver.

3. Staff Position:

25X1A  
  
25X1A

(a) The Office of Finance has examined the propriety of waiver of the provisions of [REDACTED] under the above circumstances in terms of the authority delegated to the Deputy Director for Administration in HR [REDACTED] which permits his authorization or approval of any emergency, unusual or additional payment when necessary or expedient, if allowable under existing authority whether or not specifically provided for by Agency travel regulations. The Office of Finance has consistently interpreted the phrase existing authority to mean existing statutory authority; therefore, consideration of the applicability of HR [REDACTED] was in this context. 25X1A

(b) Agency regulations proscribing the use of foreign air carriers except under specified circumstances were first published in October 1963 pursuant to a Concurrent Resolution of both Houses of Congress dated 1 October 1962. This Resolution stated the sense of the Senate and the House that when travel on official business is to be performed on civil aircraft by legislative and government officers and employees that said travel will be performed by them on United States flag air carriers. In response to a request from the Chairman of the Travel Policy Committee regarding the legal basis for the requirement for use of American airlines and whether the Agency was bound by Government regulation requiring use of U.S. registered aircraft, the Office of General Counsel, in OGC 70-1773 dated 20 October 1970, provided an opinion as follows:

A Concurrent Resolution is not normally legislative in character, but it is used to express a fact, principle or opinion of both Houses of Congress affecting their operations. This resolution (regarding the use of U.S. airlines) also affects Government employees generally and may be considered the strongest of policy directions short of specific legislation on the subject.

This opinion was the basis for continuing the Agency reg-

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[REDACTED] Prior to June 1975

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25X1A

ulation on the use of U.S. airlines until passage of the International Air Transportation Fair Competitive Practices Act of 1974 (P.L. 93-623). Section 5 of this Act requires, in the absence of satisfactory proof of necessity, the disallowance of expenditures from appropriated funds for Government financed commercial foreign air transportation performed by an air carrier not holding a certificate under section 401 of the Federal Aviation Act of 1953. With the issuance of guidelines for implementation of this Act by the Comptroller General on 17 June 1975, the requirement that American air carriers be used when available became statutory in affect.

(c) In view of the foregoing, it is the belief of the Office of Finance that there was no statutory prohibition of the use of foreign airlines for official travel prior to 17 June 1975, and therefore the authority of the Deputy Director for Administration under provision of [REDACTED] to waive such use in the circumstances described in paragraph 2, above, is not impaired.

25X1A

25X1A

4. Recommendation: It is recommended that the provision of [REDACTED] which requires the use of American airlines for official travel of Agency employees abroad when available be retroactively waived in the case of employees [REDACTED] who used foreign airlines for R and R travel prior to 17 June 1975.

25X1A

[REDACTED]  
Thomas B. Yale

25X1A

No Legal Objection:

\_\_\_\_\_  
General Counsel

\_\_\_\_\_  
Date

The Recommendation in Paragraph 4 is:

APPROVED:

\_\_\_\_\_  
Deputy Director for Administration

\_\_\_\_\_  
Date

DISAPPROVED:

\_\_\_\_\_  
Deputy Director for Administration

\_\_\_\_\_  
Date

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## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Director of Finance  
1212 Key Bldg.

EXTENSION

NO.

DATE

27 APR 1976

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. General Counsel  
7-D-01 Hqs

4-28-76

2.

3. Deputy Director for  
Administration  
7-D-26 Hqs

4.

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FORM 3-62 610 USE PREVIOUS EDITIONS ☐ SECRET ☐ CONFIDENTIAL ☐ INTERNAL USE ONLY ☐ UNCLASSIFIED

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED		CONFIDENTIAL	SECRET
<b>OFFICIAL ROUTING SLIP</b>			
TO	NAME AND ADDRESS	DATE	INITIALS
1	EO/DDA	9/16	B
2			
3	ADDA	17 SEP 1976	E
4			
5	DDA		
6			
	<b>ACTION</b>	<b>DIRECT REPLY</b>	<b>PREPARE REPLY</b>
	<b>APPROVAL</b>	<b>DISPATCH</b>	<b>RECOMMENDATION</b>
	<b>COMMENT</b>	<b>FILE</b>	<b>RETURN</b>
	<b>CONCURRENCE</b>	<b>INFORMATION</b>	<b>SIGNATURE</b>
DDA 76-4564			
<b>Remarks:</b> <p>Tom Yale asks that you approve waiver of need to try to find vouchers of employees who used foreign airlines and thus need to reimburse the Government for doing so.</p> <p>Reasons: (a) claims would no way equal the cost of conducting the search!  (b) probably can't find the documentation to prove the claims.</p> <p>OGC agrees!</p> <p style="text-align: center;">RFZ</p>			
<b>FOLD HERE TO RETURN TO SENDER</b>			
<b>FROM: NAME, ADDRESS AND PHONE NO.</b>			<b>DATE</b>

UNCLASSIFIED		CONFIDENTIAL		SECRET	
<b>OFFICIAL ROUTING SLIP</b>					
TO		DATE	INITIALS		
1	[REDACTED]		✓		
2	Gary		✓		
3	B. and		✓		
4	Mr. B —				
5	See attached				
6					
ACTION		DIRECT REPLY		PREPARE REPLY	
APPROVAL		DISPATCH		RECOMMENDATION	
COMMENT		FILE		RETURN	
CONCURRENCE		INFORMATION		SIGNATURE	
<b>Remarks:</b> <p>I note you say          OAC means — have          about getting them to          sign off? [REDACTED]</p>					
FOLD HERE TO RETURN TO SENDER					
FROM: NAME, ADDRESS AND PHONE NO.				DATE	
				17 SEP 1976	
UNCLASSIFIED		CONFIDENTIAL		SECRET	

STATINTL !

STATINTL  
AT!

Del - After Mr. Blake signs, please  
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send copy to [REDACTED] UGC

STATINTL